

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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**Case: Z2001010** Desert Rose

Meeting Date: May 4, 2006

Agenda Item: 7

Supervisor District: 5

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**Applicant:** Faye Stewart

**Property Owner:** Cactus Rose, LLC

**Request:** Rezone from Rural-190 to C-2 CUPD and Rural-43 with Special Use Permit (SUP) for RV Park in the Rural-43 zoning district

**Proposed Use:** Tavern/Bar, and RV Park

**Site Location:** Southwest corner of Old US Highway 80 and Desert Rose Rd. in the Arlington area

**Site Size:** Approx. 4.76 acres

**County Island Status:** N/A

## Summary of Conformance with Adopted Plans:

**County Plan:** The Comprehensive Plan refers to the Tonopah/Arlington Area Plan, which designates the site as appropriate for Rural land uses. The proposed RV Park is consistent with this land use category; however, the tavern/bar being a commercial use is considered inconsistent with the plan.

**Support/Opposition:** One (1) phone call and one (1) letter indicating support. No known opposition.

**Recommendation:** **Approve** with stipulations

## Description of Proposal:

1. This request seeks the approval of a rezone from Rural-190 to C-2 CUPD and Rural-43, along with a Special Use Permit (SUP) for a RV Park over the Rural-43 portion of the site. The entire site is approx. 4.76 ac. with the C-2 CUPD portion being approx. 1.28 ac. and the Rural-43 portion being approx. 3.47 ac. The boundaries of the proposed SUP will be coincident with those of the Rural-43 portion of the site.
2. The subject property is the site of the Desert Rose Bar, which is a legal non-conforming bar first established c. 1940. The applicant wishes to convert a portion of the site to a RV Park, which jeopardizes the LNC status of the overall property, thus in order for the bar to remain in operation alongside the RV Park, C-2 zoning is required. Since the current underlying zoning is Rural-190, a minimum lot size of 190,000 sq. ft. is required; however, upon completion of the zone change to C-2, the balance of the site would not meet this standard. In order to avoid creating a substandard Rural-190 lot, a concurrent zone change to Rural-43 is in order. While the substandard lot size could be accommodated through the SUP process, staff believes there is prudent argument to address the lot area issue through the zone change process at this time.
3. The overall site is roughly rectangular in shape with dimensions of approx. 332' (N/S) x 626' (E/W) and is bounded by Old US Hwy. 80 on the east and by the Desert Rose Rd. alignment/Arlington Canal road to the north. Located to the south and west are currently sparsely developed rural properties. Approx. the front 180' of the site is the subject of the commercial rezone, while the rear of the site is the subject of the Rural-43/SUP, with the boundary between the two zones being somewhat irregular. The site is generally flat with a gentle fall from northwest to southeast and is located within the FEMA delineated AE Flood Zone.
4. Currently, the site contains the main 4,416 sq. ft. bar building, a 795 sq. ft. storage building, a second 120 sq. ft. storage building, as well as an existing 2,680 sq. ft. manufactured home used as a caretaker quarters. There are also miscellaneous small out-buildings located on the balance of the site. The rear of the site was also previously home to an illegal RV Park and was the source of a violation case, but has long been dismantled.
5. Primary access to the site is via Old US Hwy. 80. Currently, there is no controlled access to and from the site, which initially caused staff considerable concerns during the early phases of this case. To address these issues, the applicant revised the site plan such to provide controlled access to the site. Thus, primary access will occur from the highway via a single 40'-wide driveway serving both the existing bar and the proposed RV Park. A parking lot serving the bar will be located just to the north of the driveway and will consist of 30

standard parking spaces and two (2) handicap accessible spaces, which is consistent with the MCZO parking requirements for this type of occupancy.

6. Physical secondary access to the area of the RV Park currently exists along the northern property line at a point approx. 450' west of the highway frontage. Staff notes that while physical access to the site currently exists, there remains question as to whether the applicant has the legal right to use that neighboring property, thus staff recommends a stipulation requiring the applicant to demonstrate legal access along the northern boundary of the site prior to zoning clearance for any portion of the RV Park.
7. The main driveway will proceed to the west to provide access to the RV Park, the aforementioned caretaker quarter, as well as a secondary parking area serving the bar. There will be two (2) standard parking spaces associated with the caretaker quarter as well as one (1) dedicated loading space, an additional seven (7) standard parking spaces and one additional (1) handicap-accessible space serving the bar. Additionally, there will be nine (9) standard parking spaces and (1) handicap-accessible space serving as guest parking for the RV Park.
8. The proposed RV Park will be constructed in two (2) phases. Phase 1 will consist of a total of 18 units, a laundry/restroom building, and the associated interior circulation including secondary access. Phase 2 will consist of 26 additional units with the associated interior circulation. Access to the aforementioned secondary parking areas and the caretaker quarter will occur during Phase 1.
9. The main parking lot serving the bar will be screened along the frontage of Old US Hwy. 80 by a row of otherwise non-descript trees. Similar landscaping will be located between the western edge of the main parking lot and that of the caretaker quarter, and between the caretaker quarter and the guest parking for the RV Park. Additionally, the perimeter of the RV Park will be screened by a row of drought tolerant trees spaced 40' on-center.
10. Walls and fencing along the perimeter of the site will consist of a 6' high CMU wall on the north and south sides of the C-2 portion of the site, and 6' high chain-link fence along the north, west and south sides of the RV Park. Staff notes that the chain-link fence does not meet the screening requirements for RV Parks, thus the Commission may wish to consider a stipulation requiring a solid CMU wall along these edges. Having noted this, the subject property is surrounded by a canal to the north, while the properties immediately to the west and south are currently developed in a rather sparse fashion possibly negating the need for additional screening, thus the applicant could apply for a variance to this standard through the Board of Adjustment, although staff support or the ultimate the granting of that variance is not inferred.

11. Signage on the property will consist of three (3) free-standing signs together with a variety of otherwise non-descript wall signs. One of the free-standing signs will be located near the main driveway and will reference the RV Park. This sign will be approx. 10' wide at its widest point, and approx. 8' tall. The sign will have approx. 32 sq. ft. of sign area. This sign will be located behind the front setback and outside of the required sight visibility triangles.
12. The other two freestanding signs are actually existing pole signs that are located near or within the highway ROW and appear to have been in place for many years. Staff does not object to the location of these signs provided that the applicant agrees to remove these signs at the behest of MCDOT should it become necessary. Said removal would be at the cost of the applicant.
13. Existing outdoor lighting consists of a variety of corral lights; however, the site plan does not call out a proposed condition that would occur upon the development of the RV Park or upon the parking lot improvements to the C-2 portion. Thus, a stipulation requiring lighting to comply with the MCZO has been included.
14. Water for the both the proposed RV Park and the bar currently exists via a public water system. Serving that system is a well site located near the northwest corner of the RV Park. In that area will also be located a water-storage tank although the tank will not meet the setbacks of the proposed Rural-43 zoning district. Having noted this, the setback issue can be addressed through the SUP process for the RV Park. Should the SUP for the RV Park ever be removed, the applicant could either move the tank or apply for a variance through the Board of Adjustment.
15. The development of the site will observe the following Rural-43 and C-2 CUPD zoning standards. These CUPD standards are intended to allow the existing conditions to remain to the greatest extent possible, since the site is currently LNC. (Staff notes that the street-side setback of 7' is intended to be applied to the northern property line assuming this will be adjacent to an access easement serving secondary access to the RV Park).

[Table on following page.]

	Rural-190 (existing)	Rural-43 (proposed)	C-2 Base	C-2 CUPD <sup>2</sup> (proposed)
<b>Min. Front Setback (ft)</b>	60	40	25	<b>14</b>
<b>Min. Rear Setback (ft)</b>	60	40 <sup>1</sup>	25	<b>8</b>
<b>Min. Side Setback (ft)</b>	30	30	10	25
<b>Min. Street-side Setback (ft)</b>	30	20	10	<b>7</b>
<b>Min. Building Separation (ft)</b>	15	15	n/a	n/a
<b>Min. Lot Width (ft)</b>	300	145	60	60
<b>Min. Lot Area (sq ft)</b>	190,000	43,460	6,000	6,000
<b>Max. Lot Coverage</b>	5%	15%	60%	60%
<b>Max. Building Height</b>	30'2 stories	30'2 stories	40'3 stories	40'3 stories <sup>3</sup>
<sup>1</sup> Except for proposed water tank, which will be set at 17' per SUP.				
<sup>2</sup> CUPD standards more liberal than the base standards are shown in bold and intended to allow existing conditions to remain.				
<sup>3</sup> Building heights cannot exceed the distance to any Rural zone boundary per MCZO 804.3.				

## Analysis of Conformance with Adopted Plans:

16. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Comprehensive Plan refers to the Tonopah/Arlington Area Plan.
17. **Tonopah/ Arlington Area Plan (TAAP):** The TAAP is the County Area Plan that is applicable to this site and designates the site for Rural land uses (0-1.0 d.u./ac). The Rural land use category provides for single-family residential development where urban services such as sewer and water are limited. This land use category also allows for agricultural activities, but does not provide for commercial activity such as the existing bar. The TAAP also provides a Neighborhood Retail Center (NRC) land use category that would be more appropriate for the bar; however, the NRC node is located at the intersection of Salome Hwy. and Old US Hwy. 80 a few miles to the north of the subject site. Having observed this, since the bar is currently LNC, and the rezone is to legitimize this land use, staff does not object to the proposed zone change. The Desert Rose is long established and a community landmark. Regarding the RV Park, the Comprehensive Plan states that RV Parks are appropriate for the Rural land use category, thus the proposed RV Park would be considered consistent with the TAAP.

## Existing On-Site and Adjacent Zoning:

18. On-site: Rural-190  
North: Rural-190  
East: Rural-190  
South: Rural-190  
West: Rural-190

## Existing On-Site and Adjacent Land Use:

19. On-site: Commercial (existing bar)  
North: Canal, then vacant (open desert)  
East: Arterial (Old US Hwy. 80), then agricultural  
South: Vacant, then canal, then agricultural  
West: Vacant, then canal, then open desert

## Area Land Use Analysis:

20. The subject property is located in a largely agricultural area characterized by large farming concerns and scattered residential development. Located to the north of the site is a large section of State Trust land, which is not developed, but has been somewhat disturbed as evidenced by the aerial photograph. The Centennial Wash is located just to the south of the site, the floodplain of which extending over the subject site. Located approx. 1.5 miles to the east of the site is the Gila River. Old US Highway 80 is located immediately adjacent to the site. Although this road was once in the federal highway system, it was removed following the completion of the new State Route 85 located approx. 9.5 miles to the east.



## Adjacent Road Status:

21. **Old US Highway 80:** Existing MCDOT maintained 2-lane paved arterial within a 100' full-width right-of-way (ROW), which forms the eastern boundary of the subject site. No additional dedications or improvements are required at this time.
22. **Desert Rose Road:** Existing 2-lane paved road located on private land that connects Old US Highway 80 to Arlington School Road to the east. This road does not exist north of the site and staff is unaware of any plans to extend this road at this time. Thus, no ROW dedications or improvements are required of the applicant.

## Utilities and Services:

23. **Water:** Public Water System (PWS #07-393)
24. **Wastewater:** On-site septic
25. **Electricity:** Arizona Public Service (APS)
26. **Gas:** Private (on-site propane storage tank)
27. **Cable:** Not specified
28. **Telephone:** Qwest Communications
29. **Fire Protection:** Buckeye Valley Rural Fire District
30. **Police Protection:** Maricopa County Sheriff's Office (MCSO)
31. **Schools:** Buckeye Union High School District
32. **Irrigation:** Arlington Canal Company
33. **Refuse Collection:** City Waste

## Background:

34. **c. 1940:** The Desert Rose tavern is established as a business. Legend has it that Gen. Patton's tank command stopped here for refreshment before being deployed to North Africa during WWII.

35. **May 17, 2000:** The Code Enforcement Division opened a violation case for multiple dwelling units on the subject site under V200000530. Case was subsequently closed August 1, 2002.
36. **January 16, 2001:** Faye & Glenn Stewart submitted an application for a Special Use Permit (SUP) for a RV Park on the rear portion of the subject site under Z2001010, the subject case.
37. **February 20, 2001:** The subject case was reviewed during a regularly scheduled TAC meeting.

**Reviewing Agencies:** (This request was reviewed at the TAC meeting of February 20, 2001).

38. **Department of Transportation (MCDOT):** In a memo dated January 23, 2006, MCDOT indicated the following comments/recommendations (see the attached memo):

- Address secondary (emergency) access to site (letter from adjacent property owners)
- Address fire protection (letter from Rural Metro)
- Show dimensions for parking areas and typical parking spaces

Staff notes that the revised site plan indicates parking dimensions and that the site is located within the Buckeye Valley Rural Fire District, thus the only remaining issue is secondary access.

39. **Environmental Services Department (MCESD):** In a memo dated March 7, 2006, MCESD essentially indicated no objection, subject to the following stipulations (see attached email thread):

- Prior to zoning clearance for any phase or portion of the RV Park, the applicant shall obtain an operating permit from Maricopa County Environmental Services Department (MCESD). Said operating permit shall require three (3) separate permit processes, with separate application and fees, as outlined below:
  - Trailer Coach Park
  - Approval to Construct the water system for the park
  - Septic system for the park

40. **Drainage Review:** In a memo dated February 20, 2006, Drainage Review indicated no objection, subject to the following stipulations (see attached memo):



- A detail drainage report with respect to hydrology and hydraulics in conjunction with grading, drainage and paving plans will need to be submitted.
- Provide the perpendicular cross sections through the site.
- Show F.F.E. of proposed building on the plan. The F.F.E. must be 2 feet above the 100-year flood elevation.
- Provide and certify the statement such as "all finished floors shown on this plan are free from inundation during the 100 year peak runoff event" on the plan.
- Drainage area needs to be subdivided to sub-drainage area to corresponding to each individual retention basin. Make sure each retention basin will provide enough retention volume to satisfy the volume required. Indicate the outfall elevation for each individual retention basin for peak flow event.
- Provide the compaction note on the plan.

41. **Flood Control District (FCD):** In a memo dated June 10, 2003, FCD states the site is located within the floodplain of the Centennial Wash and within the FEMA delineated Flood Zone AE. Thus, development of the site must be elevated and/or flood-proofed such to be protected from the 100-year peak run-off event. A Floodplain Use Permit is required. Further, FCD states that prior to zoning approval, the following items must be addressed (see attached memo):

- Off-site hydrology establishing discharge rates, the entrance and exit points, and how the flow is routed through the site.
- Provide on-site hydrology to show how the on-site flows are to be routed to retention basins.
- Provide calculations to show that each retention basin will drain within 36 hours.
- For proposed buildings/mobile home/R.V. sites, show finished floor/pad elevations and certify that the finished floor elevations are above the 100-year floodplain water surface elevation.
- Show that the site will be protected from erosion and lateral migration.
- Show how the roofs of the new buildings will drain.
- An Arizona Registered Professional Civil Engineer must seal both, the precise plan and drainage report.

42. **State Historic Preservation Office (SHPO):** In a letter dated March 1, 2004, SHPO stated the site has not been inspected for cultural resources, but is located near the Arlington Canal, which "reflects the development of historic irrigation systems in the Buckeye and Arlington Valleys". SHPO goes on to state that any buildings older than 50 years of age would be of interest. SHPO stated they need additional information before rendering a final opinion regarding this site (see attached letter).

43. In response to SHPO's letter, staff sent an email to SHPO containing photographs of the site as well as a brief description of the history of the site; however, SHPO responded verbally that the information presented was not necessarily conclusive. No further correspondence has occurred between staff and SHPO regarding this matter. Since the site has the potential to be of cultural significance, staff recommends that the applicant provide SHPO with a Cultural Resources Survey and that development of the site respect the findings of that survey. A standard stipulation to that effect has been included.
44. **Other:** The Tonopah Area Coalition, Tonopah Valley Community Council, and the Tonopah Valley Association were also included in the routing of this case. To date, no response has been received from these entities in specific regard to the subject case.

### **Public Participation Plan:**

45. The subject request was filed prior to the adoption of the Citizen Review Guidelines, thus no public participation is required. The site was, however, posted by the Planning and Development Department in accordance with MCZO. As of the writing of this report, staff has received one (1) phone call indicating support for the request. One (1) letter of support was included with the original application. Staff is not aware of any project opposition.

### **Discussion and Evaluation:**

46. As noted previously, the site is considered LNC in that the existing bar has been in existence for several years, dating back to the pre-WWII era. The problem is that the approval of the SUP for the RV Park could not be accomplished without losing the LNC status for the property, thus making the bar *illegal* non-conforming. If the property owners wish to continue the operation of the bar in the presence of a legitimate RV Park, the portion of the property containing the bar would need to be rezoned to commercial to accommodate the bar. This becomes even more complicated in that upon the granting of the commercial rezone, the balance of the site would not meet the zoning standards for the underlying Rural-190 zoning district, hence the rezone to Rural-43. While to rezone this balance piece to Rural-43 would constitute a spot zone, which is generally dissuaded, in this particular case, staff is willing to acquiesce to support the Rural-43 zoning in that the property owners can move forward with the RV Park SUP without jeopardizing the bar.
47. The applicants were initially apprehensive of this approach in that they currently enjoy certain privileges as part of the LNC status, which includes grandfathered building code rights. Staff has pointed out that the change in zoning from Rural

to Commercial does not affect the building codes and that assuming the buildings were constructed in accordance with the applicable building codes in effect at the time of construction, the buildings themselves would not lose their grandfathered status with respect to those building codes. This does not preclude the fact that any new construction would have to meet the applicable (current) building code then in place, but this would be the case regardless of the status of the underlying zoning.

48. This property has also been the subject of numerous Temporary Use Permits (TU) and Conditional Use Permits (CU) over the years. These TUs are related to temporary events and the extension of premises relating to the liquor license, while the CUs relate to the caretaker quarter. The need for both of these types of permits will be alleviated to some degree by the approval of the commercial rezone request.
49. Having stated the rationale for the commercial rezone, staff was reticent to offer support off the rezone if the existing ingress/egress conditions were to remain. Currently, the adjacent ROW consists of two traffic lanes with no shoulder improvements such as curb and gutter. While these improvements are normally associated with more suburban developments, the lack of these improvements creates a condition where vehicles traveling to and from the site do so by leaving the roadway and crossing over a gravel shoulder, then on into the adjacent gravel parking area. This condition is consistent with a rural environment; however, this creates the potential for unsafe turning movements. To rectify this condition, staff suggested that the site plan be revised such that the parking area and associated driveway create a single controlled access point. The applicant has revised the site plan accordingly.
50. The site is adjacent to the highway ROW with some of the existing structures actually encroaching into that ROW. These include a concrete patio, which is bordered by a series of hitching posts, along with the two aforementioned pole signs. Historically, vehicles entering or leaving the site do so by crossing a gravel shoulder located between the pavement and the actual property line. The area is largely rural/agricultural with relatively small traffic volumes; however, this area will see substantial growth within the next few decades, which will no doubt increase the traffic in the area and necessitate improvements to the ROW. In order to accomplish these improvements, the aforementioned pole signs and other improvements would need to be removed from that ROW. Staff believes this should occur at the owner's expense, not that of the taxpayers. Thus, staff has included a stipulation to this effect.
51. The site was not referred to SHPO initially, but was referred to that agency in 2004. The rationale was to ensure that because of the potential historic nature of the property SHPO had the opportunity to offer comments. As noted in the

Reviewing Agencies section of this staff report, SHPO has not stated definitively whether or not there is a potential for culturally significant buildings or artifacts located on site. In order to ensure that history does not lose these resources, if they exist, staff recommends the inclusion of a stipulation requiring the applicant to submit a Cultural Resources Survey to SHPO for their review and comment. Should this survey reveal that culturally significant items are located on site, SHPO would then require a mitigation plan geared towards protecting said cultural resources. Having notes this, staff must point out that the stipulation recommended for approval utilizes standard language, which is included in most development proposals brought before the Commission and Board of Supervisors for review, and thus is no more of an onerous requirement placed on this applicant than any other.

52. MCESD has indicated that the septic systems as shown on the site plan likely will not meet that department's requirements for on-site septic waste disposal. Thus, the septic systems serving the site will need to be re-designed to meet MCESD standards. A stipulation to this effect has been included.
53. The RV Park will serve the "destination" RV'er, looking for extended stay accommodations. Staff's understanding of the RV industry is that generally "motor homes" consist of Class "A" units, which are the typical large Winnebagos; Class "C" units, which are a cab-and-chassis with attached living unit; and the Class "B" units, which are the typical van conversions. Also, included in the recreational vehicle category are what the industry terms as "tag-along units" that include 5<sup>th</sup>-wheel, travel trailers, and park models.
54. Conversely, MCZO, Article 201 gives particular definitions pertaining to recreational vehicles. Note the following: a "Recreational Vehicle" is defined as, *"A vehicular or portable unit mounted on a chassis and wheels, designed and constructed to be installed with or without a permanent foundation for human occupancy as a residence, not more that 12 feet in width, nor more than 40 feet in length and containing no more that 400 square feet in total floor area. Total width of said unit including all tip-outs, slide-outs, hinged extensions, or solid frames shall not exceed 12 feet. For purposes of measuring length, the recreation vehicle hitch and/or tongue shall be excluded. The term 'recreational vehicle' shall include travel trailers, camping trailers, truck campers, and motor homes."*
55. Article 201 also makes a distinction between overnight and destination RVs. An "Overnight RV" is defined as, *"A recreation vehicle which is not designed for, or to be used for permanent residential use in a travel trailer park or other approved locations"*. This, as opposed to a "Destination RV", which is defined as, *"A recreation vehicle which is designed for, and is to be used for, permanent residential use in a travel trailer/recreation vehicle park or at other approved"*

*locations. The term recreation vehicle (destination) includes park model travel trailers."* The MCZO does not define travel trailers or park models.

56. While the MCZO does not define park models, the type of unit served does become an issue in that under the standards for RV Parks, this type of RV would require a building permit prior to set up. Again, note the following: MCZO Article 1301.1.29.11 states, "*Destination park/spaces shall require the issuance of a building permit prior to the use of the park/space by a travel trailer or RV.*" It should be clarified that as a matter of practice, the Planning & Development Department will require each space to be permitted prior to use and should electrical service be terminated at a particular pedestal, a new permit would be required prior to electrical service being restored. So that this requirement is fully understood, staff recommends a stipulation requiring the proper permitting of these spaces. The applicant states that no mobile homes will be allowed.
57. The applicant has not stated a specific expiration date for the RV Park SUP; however, given the remoteness of the site, staff is comfortable with allowing a 15-year duration.

### **Recommendation:**

58. Staff recommends **approval** of Z2001010 for the following reasons:

- The RV Park is consistent with the designated Comprehensive Plan land use.
- The rezone serves to legitimize a legal non-conforming use from a long established, commercial landmark.
- There are no objections that are not addressed by the proposed stipulations.

Subject to the following stipulations:

- a. Development and use of the site shall comply with the site plan entitled "Site Plan and Grading & Drainage Plan for Desert Rose RV Park", consisting of two (2) full-size sheets, prepared by Keogh Engineering, dated revised April 2006 and stamped received April 14, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Desert Rose RV Park", consisting of four (4) pages, stamped received January 16, 2001, except as modified by the following stipulations.
- c. The RV Park is considered a Destination RV Park as defined by the Maricopa County Zoning Ordinance. Prior to placement of any RV on the

site, the applicant shall obtain a permit from the Planning and Development Department. No mobile homes shall be allowed on site.

- d. Prior to zoning clearance for any phase of construction for the RV Park, the applicant shall provide written evidence of legal access along the north side of the property.
- e. The northern, western and southern boundaries of the RV Park shall be screened by a six (6) foot tall masonry wall unless said wall requirement is waived by the Board of Adjustment.
- f. The applicant shall obtain a Right-of-way Encroachment Permit from the Maricopa County Department of Transportation (MCDOT) for any encroachments into the public right-of-way. Said encroachments shall be removed from the MCDOT right-of-way at the owner's expense upon the request of MCDOT.
- g. Outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Prior to zoning clearance for any phase or portion of the RV Park, the applicant shall obtain an Operating Permit from Maricopa County Environmental Services Department (MCESD). Said Operating Permit shall require three (3) separate permit processes, with separate application and fees, as outlined below:
  - i. Trailer Coach Park
  - ii. Approval to Construct the water system for the park
  - iii. Septic system for the park
- i. Prior to zoning clearance for any phase of construction for any portion of the site including the commercial portion, the applicant shall meet the following Drainage Review stipulations:
  - i. A detailed drainage report with respect to hydrology and hydraulics in conjunction with grading, drainage and paving plans shall be submitted.
  - ii. Provide the perpendicular cross sections through the site.
  - iii. Show finished floor elevations (FFE) of the proposed building on the plan. The FFE must be two (2) feet above the 100-year flood elevation.
  - iv. Provide and certify the statement such as "all finished floors shown on this plan are free from inundation during the 100-year peak runoff event" on the plan.

- v. Drainage area shall be subdivided to sub-drainage areas to corresponding to each individual retention basin. Make sure each retention basin will provide enough retention volume to satisfy the volume required. Indicate the outfall elevation for each individual retention basin for peak flow event.
  - vi. Provide the compaction note on the plan.
- j. Prior to zoning clearance for any phase of construction for any portion of the site including the commercial portion, the applicant shall meet the following Flood Control District stipulations:
  - i. Provide off-site hydrology establishing discharge rates, the entrance and exit points, and how the flow is routed through the site.
  - ii. Provide on-site hydrology to show how the on-site flows are to be routed to retention basins.
  - iii. Provide calculations to show that each retention basin will drain within 36 hours.
  - iv. For proposed buildings/mobile home/RV sites, show finished floor/pad elevations and certify that the finished floor elevations are above the 100-year floodplain water surface elevation.
  - v. Show that the site will be protected from erosion and lateral migration.
  - vi. Show how the roofs of the new buildings will drain.
  - vii. An Arizona Registered Professional Civil Engineer must seal both, the precise plan and drainage report.
- k. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office (SHPO) prior to issuance of a Grading Permit or zoning clearance. The applicant shall contact SHPO prior to initiating any new disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by Buckeye Valley Rural Fire District (BVRFD). Prior to issuance of zoning clearance, the applicant shall seek review and comment from BVRFD, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- m. The Special Use Permit for the RV Park shall expire 15 years from the date of approval by the Board of Supervisors. The applicant shall submit a written report outlining the status of the RV Park development at the end of

five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

- n. Major changes to the site plan for either the Special Use Permit or the commercial rezone shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Major changes to the Special Use Permit may require a Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by the Planning and Development Department.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

rhk

Attachments:

Case map  
Vicinity map  
Precise Plan (8-1/2" x 11" reductions, 2 pages)  
Narrative report (4 pages)  
MCDOT comments (memo, 1 page)  
MCESD comments (memo, 2 pages)  
Drainage Review comments (memo, 1 page)  
FCD comments (memo, 1 page)  
SHPO comments (letter, 1 page)  
Email response w/ photos (3 pages)  
Support (letter, 1 page)

Enclosures:

Precise Plan (11" x 17" reductions, 2 sheets)  
[Full size plans are available for review upon request]